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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**Refai**

Serial No.: 09/048,686

Filed: March 26, 1998

For: **Broadband Communication System  
Using Point and Shoot Approach**

Attorney's Docket No: 4015-108

**Patent Pending**

Examiner: Rao, Seema Srinivas

Group Art Unit: 2666

Cary, North Carolina  
May 19, 2005

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR § 1.181(a)  
TO WITHDRAW APPLICATION FROM ABANDONMENT**

Pursuant to 37 CFR § 1.181(a), Applicant herewith Petitions that the application be withdrawn from the Examiner's holding of abandonment.

Applicant received a Notice of Abandonment dated 30 March 2005. The Examiner indicated that the application was abandoned because of Applicant's failure to respond to the decision by the Board of Patent Appeals and Interferences rendered on 10 December 2004 and having a reply due date of 10 February 2005. However, Applicant notes that a Request for Continued Examination (RCE) and Preliminary Amendment Accompanying RCE were sent to the Patent Office on 10 February 2005. Copies of the RCE and Preliminary Amendment are enclosed as Exhibit 1. Applicant notes that the Certificates of Mailing are dated 10 February 2005, and signed by Laura Wade. The signed Certificates of Mailing represent *prima facie* evidence that the RCE and Preliminary Amendment were, in fact, timely filed.

As further evidence that the RCE and Preliminary Amendment were received by the Patent Office, Applicant herein encloses a copy of the postcard received back from the Patent

Office with the date stamp of 14 February 2005 as Exhibit 2. This postcard, coupled with the Certificates of Mailing, is more than adequate to show the response was timely filed and received by the Patent Office.

Accordingly, Applicant requests that the application be withdrawn from abandonment and the case examined in light of the RCE and Preliminary Amendment previously filed.

According to MPEP 711.03(c), no fee is required for this petition. However, if any fees are required for this petition, the Office is authorized to charge the same to Deposit Account No. 18-1167.

Respectfully submitted,

By:

**COATS & BENNETT, P.L.L.C.**



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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATE POSTAL SERVICE, ON THE DATE INDICATED BELOW, AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: **Mail Stop Petition Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Signature: Laura Wade

Name: Laura A. Wade

Date: May 19, 2005

MAY 23 2005

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
for  
Continued Examination (RCE)  
Transmittal**Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/048,686
Filing Date	March 26, 1998
First Named Inventor	Refai
Art Unit	2661
Examiner Name	Rao
Attorney Docket Number	4015-108

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i.
- ☐
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- 
- ii.
- ☐
- Other \_\_\_\_\_

b. ☒ Enclosedi. ☒ Amendment/Replyiii. ☐ Information Disclosure Statement (IDS)ii. ☐ Affidavit(s)/ Declaration(s)iv. ☐ Other \_\_\_\_\_2. **Miscellaneous**

- a.
- ☐
- Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- 
- b.
- ☐
- Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a.
- ☒
- Deposit Account No.
- 18-1167
- . I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)iii. ☐ Other \_\_\_\_\_

- b.
- ☒
- Check in the amount of \$
- 1,790.00
- enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	<i>Edward H. Green, III</i>	Date	February 10, 2005
Name (Print/Type)	Edward H. Green, III	Registration No.	42,602

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Laura A. Wade</i>	Date	February 10, 2005
Name (Print/Type)	Laura A. Wade		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Refai

Serial No.: 09/048,686

Filing Date: March 26, 1998

Docket No.: 4015-108

Title: Broadband Communication System Using  
Point and Shoot Approach



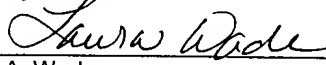
Examiner: S. Rao

Group Art Unit: 2661

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 10, 2005.

  
\_\_\_\_\_  
Laura A. Wade

**PRELIMINARY AMENDMENT ACCOMPANYING RCE**

In response to the decision of the Board of Patent Appeals and Interferences issued December 10, 2004, affirming the final rejection of claims 19 and 20, Applicant submits the following preliminary amendment with Request for Continued Examination. Please enter the following amendments prior to examination on the merits. Enclosed is a check in the amount of \$1,790.00 to cover the RCE filing fee, three new independent claims and five new dependent claims. If any additional fees or charges are required, the Commissioner is hereby authorized to charge them to Deposit Account 18-1167.

CLAIMS

19. (currently amended) A receiver for a broadband communication system comprising:

a continuously operative first signal processing means for demodulating and decoding input stream operative to demodulate and decode a received narrow band index signal ~~to extract addressing information contained in said index signal;~~

~~a second signal processing means for demodulating and decoding~~ a second input stream selectively operative to demodulate and decode portions of a received broadband primary data signal; and

~~control means for~~ a controller in said first input stream operative to monitor said narrow band index signal and, upon detection of addressing information that matches a predetermined address associated with said receiver, to selectively activating enable said second signal processing means ~~based on addressing information in said index signal~~ input stream to capture and extract data associated with said addressing information from said broadband primary data signal, without tuning said second input stream to a different frequency.

20 (currently amended) The ~~communication system receiver~~ of claim 19 wherein said receiver further includes comprising an input buffer in said second input stream operative to temporarily storing store a portion of said received broadband primary data signal before demodulating and decoding portions of said received broadband primary data signal in response to said controller.

21. (new) The receiver of claim 20 wherein said controller accesses packet start time information in said received narrow band index signal, and enables said buffer via said packet start time information to capture said data.

22. (new) A ground-based receiver for a satellite communication system, comprising:

a first input stream operative to receive from a satellite, and demodulate and decode, a narrowband index data signal comprising only data packet header information including packet addresses, and to match addresses in said header information with a predetermined address unique to said receiver;

a second input stream operative to receive from a satellite, and buffer, demodulate and decode selective portions of, a broadband primary data signal comprising complete data packets addressed to a plurality of receivers; and

a controller in said first input stream operative to enable the second input stream to buffer a portion of said broadband primary data signal upon matching said receiver's unique address to a data packet address in said narrowband index signal.

23. (new) The receiver of claim 22 wherein said data packet header information in said narrowband index data signal additionally comprises packet start time information, and wherein said controller uses said packet start time to enable the second input stream to buffer said portion of said broadband primary data signal.

24. (new) The receiver of claim 23 wherein said data packet header information in said narrowband index data signal comprises 21 bits.

25. (new) The receiver of claim 24 wherein the first 13 bits of said data packet header information contains the address of a receiver and the next 8 bits contain the packet start time for the corresponding data packed in said broadband primary data signal.

26. (new) A method of receiving packet data addressed to a particular receiver, comprising:

receiving and continuously demodulating and decoding in a first receiver path a narrowband index signal comprising only data packet header information including target receiver addresses, and comparing said addresses to a predetermined address unique to said particular receiver;

intermittently receiving, buffering, demodulating and decoding in a second receiver path portions of a broadband primary data signal comprising complete data packets addressed to a plurality of receivers; and

in response to matching a target receiver address in said narrowband index signal with said predetermined address unique to said particular receiver, enabling said second receiver path to obtain a complete data packet corresponding to the matched target receiver address, without retuning said second receiver path.

27. (new) The method of claim 26 further comprising extracting packet start time information from said data packet header information in said narrowband index signal, and using said start time information to enable said second receiver path at a time effective to capture said complete data packet.

28. (new) A method of receiving data packets addressed to a particular receiver, comprising:

monitoring a narrowband broadcast signal containing only packet addresses and packet start times;

detecting a match between a packet address and a unique receiver address; and

after detecting said address match, using an associated start time to transiently receive a portion of a broadband broadcast signal containing complete data packets, for only a duration sufficient to capture the data packet having the matching packet address.

REMARKS

Claims 19 and 20 are amended. New claims 21-27 are added. No new matter is added.

As amended, claim 19 defines patentably over McCalley (U.S. Patent No. 4,829,372).

First, claim 19 recites that only “upon detection of addressing information that matches a predetermined address associated with said receiver” is a second input stream enabled to extract desired data from a broadband primary data signal. In other words, the proper recipient of the data is ascertained first (by address matching), then the data is extracted from the broadband signal by enabling the second input stream. McCalley discloses the opposite temporal arrangement: the broadband receiver is first selectively tuned by a narrowband control channel, col. 8, lines 15-34, and the proper subscriber is then determined by inspecting a presentation script intermixed with the audio and video packets, col. 8, lines 35-48. McCalley summarizes this at col. 8, lines 57-63:

The function of presentation player converter 66 is to locate and tune to that frequency band within the CATV spectrum where the digital information stream is located, and [then] to transform and monitor this information for processing and handling details as required to deliver video/audio presentations to requesting subscribers.

It is manifest that the information must first be obtained (by tuning to the proper frequency band) before it is “process[ed] and handl[ed] ... as required to deliver video/audio presentations to requesting subscribers.”

Additionally, claim 19 explicitly recites that the second input stream is enabled without tuning said second input stream to a different frequency. For at least these two reasons, claim 19 defines patentably over McCalley.

New claim 22 is directed to a ground-based receiver for a satellite communication system, and explicitly recites first and second streams receiving signals from a satellite. McCalley does not disclose satellite communications. Additionally, claim 22 also recites that the second input stream is enabled “upon matching said receiver’s unique address to a data packet address in said narrowband index signal,” thus reciting the temporal limitation discussed above



that further defines over McCalley. For at least these reasons, claims 22 defines patentably over McCalley.

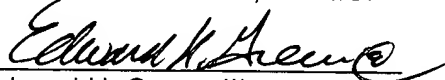
New claim 26 is a method claim directed to receiving data addressed to a particular receiver. Claim 26 recites a predetermined address unique to the particular receiver, comparing addresses from a narrowband index signal to the unique address, and, in response to detecting a match, enabling a broadband receiver without retuning it. McCalley does not disclose any predetermined address associated with a receiver, matching addresses from a narrowband signal to it, or enabling a broadband receiver in response to detecting such a match. Furthermore, claim 26 explicitly recites enabling the second receiver without retuning it. For at least these reasons, claim 26 defines patentably over McCalley.

New method claim 28 explicitly recites the temporal ordering discussed above: detecting a match between addresses in a narrowband signal and a unique receiver address, and "after detecting said address match," receiving portions of a broadband signal to obtain a data packet. Claim 26 also recites the use of a packet start time extracted from the narrowband signal to time the enabling of the broadband receiver. McCalley does not disclose this ordering of address matching and broadband reception, and is completely silent on the presence or use of packet start time information. For at least these reasons, claim 28 defines patentably over McCalley.

All pending claims defining patentably over the art of record, prompt allowance of the present application is respectfully requested.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



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Dated: February 10, 2005

In Re Application of  
**Refai**

Serial No.: 09/048,686  
Filing Date: 3/26/98

Title: **BROADBAND COMMUNICATION  
SYSTEM USING POINT AND SHOOT APPROACH**

PAPERS SENT:

1. RCE Transmittal
2. Preliminary Amendment Accompanying RCE
3. Check #14141 in the amount of \$1,790.00
4. Postcard

DATE MAILED: 2/10/05

4015-108

